

**Andover Conservation Commission Meeting Minutes**  
**April 19, 2011**

Town of Andover  
36 Bartlett Street  
3<sup>rd</sup> Floor Conference Room  
7:45pm

**Conservation Commission Members in Attendance:**

Chairman Donald Cooper, Vice Chairman Michael Walsh, Commissioner Alix Driscoll, Commissioner Jon Honea, Commissioner Kevin Porter. Staff Member present was Robert Douglas.

**SCHEDULED ITEMS:**

**MassDOT Highway Division**

**I-93 North & South**

**Present in Interest: Andrea Norton**

*Staff Recommendation: Approve*

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed removal of existing signs & supports, installation of new guide sign panels on existing and new overhead and ground mounted supports, a highway advisory radio system, permanent changeable message signs, warning beacons is subject to the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law.

Mr. Douglas presented this to the Commission. Mass Highway is seeking to remove and replace roadside traffic signs along Route 93 from Somerville to New Hampshire. Most of the signs are small on small poles, there are a few large signs called out in the special conditions and will require sedimentation control. The footings will remain and new footings will be put in as close as possible to the existing footing. Commissioner Porter requested the dump trucks filled with concrete not be washed out on site. There will be no stockpiling on site and the signs taken down will be removed from the site.

Chairman Cooper asked for a Motion. Commissioner Porter made a Motion to Approve with the added condition that there will be no washing of vehicles on site. The Motion was seconded by commissioner Driscoll and unanimously approved.

**21 Pomeroy Road****Present in Interest: Jim Cyrier and Kathleen Cyrier***Staff Recommendation: Continue to date uncertain*

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of screen porch is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The Application is under the WPA only since our OOC (DEP#090-0821) was appealed. The Applicant has not requested a Notification of Satisfactory Completion of Work Certificate for installation of a septic system. This can be taken care of with Certificate of Compliance and As-Built Plan. This is a "Backyard Project". The plan submitted is deficient as it needs to show the structure meets the 50 foot setback. Applicant has requested a waiver for a professionally engineered plan. The Applicant can use the As-Built Plan for DEP's SOC Certificate of Compliance, "X" out the engineer's stamp and scale in proposed work. This will show the Commission the 25 foot no-disturb, 50 foot no-build and 100 foot buffer and give the Commission a better idea of what the existing conditions are. The Applicant will meet with Agent Cleary to go over what is needed on the plan.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to a date uncertain, it was seconded by Vice Chairman Walsh and unanimously approved.

**40 Andover Country Club Lane****Present in Interest: Steve Ericksen***Staff Recommendation: Close Public Hearing and Issue Order of Conditions*

Continued Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for the proposed excavation of two irrigation ponds at the Andover Country Club.

Mr. Douglas presented this to the Commission. This was continued for Applicant to conduct a Wildlife study. The wildlife study is complete and the Applicant has overcome the presumption of wildlife habitat.

Chairman Walsh asked for a Motion. Vice Chairman Walsh made a Motion to close the public hearing and issue the Order of Conditions as drafted, it was seconded by Commissioner Porter and unanimously approved.

**52 William Street**

**Present in Interest: Kaija Gilmore, Steve and Joan Gates**

*Staff Recommendation: Continue*

Continued Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for the proposed demolition of an existing house and the construction of a single family dwelling.

Mr. Douglas presented this to the Commission. This was continued from April 5, 2011 to allow staff to meet with Tom Urbelis to get definite answers to questions regarding permits. After meeting with Tom Urbelis, the project will require local zoning permits. The Applicant will need to apply for zoning permits then the Commission will rehear the Notice of Intent.

Chairman Cooper asked for a Motion. Commissioner Porter made a Motion to continue to a date uncertain, it was seconded by Commissioner Driscoll and unanimously approved.

**ACTION ITEMS:**

**Balmoral Dam Removal**

*Staff Recommendation: Approve*

Discussion regarding the removal of the Balmoral Dam. The Commission is being asked for a conceptual approval for the removal of the dam as an advisory vote for the Selectmen. The Commission would like to remove the first paragraph of the Resolution and in the fifth paragraph remove "resolves...and" and insert "subject to concurrent review and approval by other applicable Town bodies".

Commissioner Driscoll made a Motion in favor of removal of the dam with the suggested change, it was seconded by Vice Chairman Walsh and unanimously approved.

**Andover Country Club**

*Staff Recommendation: Continue*

Discussion regarding Enforcement Order mitigation planting plan for the cutting that was performed on the site. Paul Finger recommends continuing to next meeting.

Commissioner Driscoll made a Motion to continue to May 3, 2011, it was seconded by Commissioner Porter and unanimously approved.

## **CONSENT AGENDA:**

### **15 Seten Circle**

Issuance of a Certificate of Compliance.

### **Minutes**

Approval of minutes from meetings of March 1, 2011 and March 15, 2011.

Vice Chairman Walsh made a Motion to Approve the Consent Agenda, it was seconded by Commissioner Driscoll and unanimously approved.

## **DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:**

### **3 Avery Lane**

Review of a Restoration Plan submitted as a result of Enforcement Order issued.

Commissioner Driscoll made a Motion to continue to a date uncertain, it was seconded by Vice Chairman Walsh and unanimously approved.

### **29 Hearthstone Place**

Discussion regarding Enforcement Order.

Commissioner Driscoll made a Motion to continue to a date uncertain, it was seconded by Vice Chairman Walsh and unanimously approved.

### **Gray Road Dam**

Emergency Certification Andover DPW-Highway Division, breach and repair flow through device.

Vice Chairman Walsh made a Motion to Approve, it was seconded by Commissioner Driscoll and unanimously approved.

### **Pomps Road – Abbott Street**

Ratification of Emergency Certification issued to the DPW-Highway Division for removal of an unsafe wall at Pomps Pond.

Vice Chairman Walsh made a Motion to Approve, it was seconded by Commissioner Driscoll and unanimously approved.

## **16 Tiffany Lane**

Ratification of Emergency Certification issued to Todd Bateson of Bateson Enterprises per directive of the Board of Health to commence work on a failing septic system.

Vice Chairman Walsh made a Motion to Approve, it was seconded by Commissioner Driscoll and unanimously approved.

## **MSMCP's Network Meeting**

Meeting will be held on April 28, 2011 and will focus on vernal pools.

## **SuAsCoShaw/Watershed Network Meeting**

Meeting will be held on April 21, 2011 and will focus on the identification and ecology of mussels and other freshwater invertebrates.

## **Town Meeting**

Speakers at Town Meeting will be as follows:

Don will speak on the Davis Land Negotiation;

Alix will speak on the Open Space

Bob Douglas and Gail will speak on the elimination of Bow Hunting. The Commission is in support for land management of forests in non reproductive state due to deer population. The pilot program was a success.

The Commission entered into Executive Session to discuss land acquisition and will not return to open session.

**The next meeting will be held on May 3, 2011 at 7:45pm.**

**Respectfully submitted by:**

**Lynn Viselli,  
Recording Secretary**

**MINUTES OF THE APRIL 19, 2011 EXECUTIVE SESSION OF THE  
ANDOVER CONSERVATION COMMISSION**

Chairman Donald Cooper called the Andover Conservation Commission Executive Session meeting of April 19, 2011 to order at 9:15pm for purposes of discussing land acquisition on a Motion by Commissioner Porter, seconded by Commissioner Driscoll with the intent not to return to open session, but adjourn for the evening.

Commissioners present and voting by roll call were:

Chairman Cooper – yes  
Vice Chairman Walsh – yes  
Commissioner Porter – yes  
Commissioner Driscoll – yes  
Commissioner Honea – yes

Also in attendance was staff member Robert Douglas, Director of Conservation and Lynn Viselli, Recording Secretary.

Chairman Cooper opened the discussion by informing the Commission that the asking price for the Davis land is \$200,000.00 from Judy Davis. Chairman Cooper will counter offer with a price of \$49,000.00 and the Town will obtain a grant. Commissioner Driscoll made a Motion to Approve this negotiation, it was seconded by Vice Chairman Walsh and unanimously approved.

Chairman Cooper will have the authority to move forward at his discretion or keep talking. The property will be named “The Davis Property” is purchased.

The Commission will convene 30 minutes prior to Town Meeting to discuss this land acquisition further.

Having concluded Executive Session, on a Motion by Commissioner Driscoll, seconded by Commissioner Porter, the Commission voted unanimously to adjourn at 9:30pm.

Respectfully submitted,

Lynn Viselli,  
| Recording Secretary